REMARKS

In the above-noted Official Action, the Examiner rejected claims 1-22 under 35 U.S.C. 102(b) over SUMAR (U.S. Patent No. 5,838,768). Claims 1, 2, 6, 7, 8, 14, 15, 19 and 22 were also rejected under 35 U.S.C. §102(e) over BALL et al. (U.S. Patent No. 6,600,736. Claims 1-22 were also rejected under 35 U.S.C. §103(a) over BALL in view of SUMAR.

Applicant traverses the rejection of claims 1-22 over SUMAR. In this regard, Applicant initially notes that the outstanding Official Action is confusing insofar as the first rejection is under 35 U.S.C. §102 over SUMAR, but the Examiner's remarks discuss and appear to apply BALL at, e.g., page 5, lines 14-16 and page 6, lines 1-8. However, for the purpose of expediting the prosecution of the present application, Applicant will treat the first rejection as if it is based only on SUMAR, particularly as the Examiner makes a separate rejection of the claims under 35 U.S.C. §103 over BALL in view of SUMAR.

Independent claim 1 is directed to a "first intelligent peripheral for providing a telecommunications service to a calling party". The outstanding Official Action asserts that the claimed first intelligent peripheral is disclosed by the receiving intelligent peripheral 911 described in SUMAR at col. 12, line 24 to col. 18, line 44. In this regard, at the portions of SUMAR applied in the outstanding Official Action, SUMAR discloses

networked intelligent peripherals 911-913 that are used by an originating entity 920 to send a message, convert the message, and then deliver the message to a subscriber 922. Regardless of whether the Examiner is considering the "calling party" in claim 1 of the present application to be disclosed by the originating entity 920 or by the subscriber 922 in SUMAR, the system of SUMAR does not disclose or suggest the invention recited in claim 1.

In this regard, the invention recited in claim 1 positively recites "a receiver that receives a call from the calling party, the first intelligent peripheral interacting with the calling party". The invention recited in claim 1 also positively recites "a determiner that determines whether to contact a second intelligent peripheral based on the interaction with the calling party". In contrast, there is no teaching in SUMAR that a determination is made by the receiving intelligent peripheral 911 whether to contact the conversion intelligent peripheral 912 based on interaction with the calling party. Rather, SUMAR only discloses, at column 12, lines 35-51, that a separate centralized control element, i.e., a service control point 901, determines that a message is stored at the receiving intelligent peripheral 911. The service control point 901 orders the conversion intelligent peripheral 912 to fetch the message from the receiving intelligent peripheral 911. Accordingly, the receiving intelligent peripheral 911 does not contact the conversion intelligent peripheral 912, and the receiving intelligent peripheral 911 does not determine whether to contact

the conversion intelligent peripheral 912 based upon interaction with the calling party.

Claim 1 also recites a "call initiator that establishes a call connection with the second intelligent peripheral so that the second intelligent peripheral interacts with at least one of the calling party and the first intelligent peripheral to provide the telecommunications service". In this regard, there is no teaching that the conversion intelligent peripheral 912 communicates whatsoever with the originating entity 920. Further, there is no teaching that the communication between the receiving intelligent peripheral 911 and the conversion intelligent peripheral 912 is based on the first intelligent peripheral having "a call initiator that establishes a call connection" as would be understood by one of ordinary skill in the art. Rather, the "IPs 911-914 communicate amongst each other over a communications backbone 910 using any protocol, for example, TCP/IP, X.25, etc" (see col. 12, lines 31-34) when the conversion intelligent peripheral 912 is instructed to fetch the message from the receiving intelligent peripheral 911. Accordingly, there is no "call" between the receiving intelligent peripheral 911 and the conversion intelligent peripheral 912, and the communications that are initiated are established by the conversion intelligent peripheral 912 at the instruction of the service control point 901.

Accordingly, Applicant respectfully submits that the IP network described at FIGs. 9-21 and columns 12-18 of SUMAR does not disclose the invention recited in claim 1.

Furthermore, Applicant respectfully submits that SUMAR does not disclose or suggest at least the features of independent claims 6, 7, 14 and 19 that are similar to the above-noted features recited in claim 1. Applicant further submits that claims 2-5, 8-13, 15-18 and 20-22 are allowable over SUMAR at least for depending, directly or indirectly, from an allowable independent claim, as well as for additional reasons related to their own recitations.

Applicant also traverses the rejection of claims 1-22 over BALL. BALL discloses a telephone/IP server 205 that "is reachable over the PSTN 202" and "provides an interface between PSTN 202 and IP network 204" (see col. 6, lines 13-17). In the embodiments shown in FIGs. 1 and 2, the telephone/IP server 205 is the only element that receives a call from and interacts with the calling party. For example, BALL discloses, at column 6, lines 17-25 that "[t]elephone/IP server 205, running interpreter 206, upon receiving the telephone call originated by the end user, terminates the telephone call by answering it, and retrieves the URL of the IVR web service requested by the end user from a database".

BALL further discloses elements 203 and 209 that communicate with the telephone/IP server. However, element 203 and element 209 in BALL are each web servers in "an IP network". Therefore, there is no second intelligent peripheral in BALL. Furthermore, there is no disclosure that any element of BALL determines "whether to

contact a second intelligent peripheral based on the interaction with the calling party" as recited in claim 1. Moreover, there is no call initiator that "establishes a call connection with the second intelligent peripheral" as recited in claim 1. Rather, the telephone/IP server 205 in BALL is the only element that provides the actual interactive voice response (IVR) functionality in a telecommunications network such that it might be considered an intelligent peripheral.

Accordingly, Applicant respectfully submits that BALL does not disclose or suggest the invention recited in claim 1. Furthermore, Applicant respectfully submits that BALL does not disclose or suggest at least the features of independent claims 6, 7, 14 and 19 that are similar to the above-noted features recited in claim 1. Applicant further submits that claims 2-5, 8-13, 15-18 and 20-22 are allowable over BALL at least for depending, directly or indirectly, from an allowable independent claim, as well as for additional reasons related to their own recitations.

Applicant traverses the rejection of claims 1-22 under 35 U.S.C. §103(a) over BALL in view of SUMAR. In this regard, the rejection under 35 U.S.C. §103(a) is based upon the assertion in the outstanding Official Action that "the IVR web service taught by BALL et al. could be argued as being a virtual IVR or logical instead of a physical IVR implemented as or on a physical IP platform". However, as noted above, only the telephone/IP server 205 in BALL actually provides the interactive voice in the

telecommunications network, based on content provided by the web servers 203 and 209. Accordingly, only the telephone/IP server 205 in BALL might properly be considered an intelligent peripheral.

Further, there is no reason for the system in BALL to include another such server 205 in place of the web servers 203 and 209. Rather, BALL extensively describes that its inventive aspect is to provide the server 205 as a gateway to the internet. Accordingly, replacing either or both of the web servers 203 and 209 with a second intelligent peripheral that receives a "call" as claimed would render moot the entire internet-related teachings of BALL. Therefore, there is no reason to modify BALL to replace either web server 203 and/or 209 with an intelligent peripheral, whether the secondary teachings of SUMAR or any other reference are considered.

Accordingly, Applicant respectfully submits that the BALL as modified by the teachings of SUMAR does not render obvious the invention recited in claim 1. Furthermore, Applicant respectfully submits that the combination of BALL and SUMAR does not render obvious at least the features of independent claims 6, 7, 14 and 19 that are similar to the above-noted features recited in claim 1. Applicant further submits that claims 2-5, 8-13, 15-18 and 20-22 are allowable over the combination of BALL and SUMAR at least for depending, directly or indirectly, from an allowable independent claim, as well as for additional reasons related to their own recitations.

SUMMARY AND CONCLUSION

Applicant has made a sincere effort to place the present application in condition for allowance, and believes that he has now done so. Applicant has discussed the features recited in Applicant's claims, and has shown how the combination of features recited in Applicant's claims are not taught, disclosed nor rendered obvious by the references cited by the Examiner. Accordingly, reconsideration and withdrawal of the outstanding rejections, as well as an indication of the allowance of each of the pending claims, is respectfully requested.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

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